

Union Calendar No. 102

108TH CONGRESS
1ST SESSION

H. R. 2357

[Report No. 108–198]

To amend title 38, United States Code, to establish standards of access to care for veterans seeking health care from the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2003

Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. SMITH of New Jersey, and Mr. MILLER of Florida) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JULY 10, 2003

Additional sponsors: Mr. PAUL, Mr. PEARCE, Mr. BRADLEY of New Hampshire, Mr. WILSON of South Carolina, Mr. GILLMOR, Mr. JONES of North Carolina, Ms. BORDALLO, Mrs. BLACKBURN, Mr. FROST, Mr. DEAL of Georgia, Mrs. JO ANN DAVIS of Virginia, Mr. ROYCE, Mr. ENGLISH, and Mr. GOODE

JULY 10, 2003

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 38, United States Code, to establish standards of access to care for veterans seeking health care

from the Department of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ACCESS TO CARE STANDARDS.**

4 ~~(a) REQUIRED STANDARDS FOR ACCESS TO CARE.—~~

5 Section 1703 of title 38, United States Code, is amended
 6 by adding at the end the following new subsection:

7 ~~“(d)(1) The following are the standards for access to~~
 8 ~~care for the Department:~~

9 ~~“(A) For a veteran seeking primary care, the~~
 10 ~~standard for access is 30 days, determined from the~~
 11 ~~date on which the veteran contacts the Department~~
 12 ~~seeking an appointment until the date on which a~~
 13 ~~visit with a primary care provider is completed.~~

14 ~~“(B) For a veteran seeking specialized care, the~~
 15 ~~standard for access is 30 days, determined from the~~
 16 ~~date on which the veteran is referred for specialty~~
 17 ~~care by a primary care provider until the date on~~
 18 ~~which a visit with an appropriate specialty primary~~
 19 ~~care provider is completed.~~

20 ~~“(2) The Secretary shall develop and disseminate an~~
 21 ~~appropriate standard of waiting time, determined from the~~
 22 ~~time at which the veteran’s visit is scheduled until the vet-~~
 23 ~~eran is seen by the provider. The Secretary shall periodi-~~
 24 ~~cally review performance of Department facilities com-~~

pared to that standard. The Secretary shall annually report to the Committees on Veterans' Affairs of the Senate and House of Representatives an assessment of the Department's performance against that standard.

“(3) In a case in which the Secretary is unable to meet the standard for access to care, the Secretary shall use the authority of subsection (a) to furnish health care and services for that veteran in a non-Department facility.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than six months after the date of the enactment of this Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Health Care Improvement Act of 2003”.

SEC. 2. APPOINTMENT OF CHIROPRACTORS IN THE VETERANS HEALTH ADMINISTRATION.

(a) **APPOINTMENTS.**—Section 7401 of title 38, United States Code, is amended—

(1) by inserting “and chiropractic care” in the matter preceding paragraph (1) after “medical care”; and

(2) by inserting “chiropractors,” in paragraph (1) after “podiatrists,”.

1 (b) *QUALIFICATIONS OF APPOINTEES.*—Section
2 7402(b) of such title is amended—

3 (1) *by redesignating paragraph (10) as para-*
4 *graph (11); and*

5 (2) *by inserting after paragraph (9) the fol-*
6 *lowing new paragraph (10):*

7 “(10) *CHIROPRACTOR.*—*To be eligible to be appointed*
8 *to a chiropractor position, a person must—*

9 “(A) *hold the degree of doctor of chiropractic, or*
10 *its equivalent, from a college of chiropractic approved*
11 *by the Secretary; and*

12 “(B) *be licensed to practice chiropractic in a*
13 *State.*”.

14 (c) *PERIOD OF APPOINTMENTS AND PROMOTIONS.*—
15 Section 7403(a)(2) of such title is amended by adding at
16 the end the following new subparagraph:

17 “(H) *Chiropractors.*”.

18 (d) *GRADES AND PAY SCALES.*—Section 7404(b)(1) of
19 such title is amended by striking the third center heading
20 in the table and inserting the following:

“CLINICAL PODIATRIST, CHIROPRACTOR, AND OPTOMETRIST
SCHEDULE”.

21 (e) *TEMPORARY AND PART-TIME APPOINTMENTS.*—
22 Section 7405(a) of such title is amended—

23 (1) *by adding at the end of paragraph (1) the*
24 *following new subparagraph:*

1 “(E) Chiropractors.”; and

2 (2) by adding at the end of paragraph (2) the
3 following new subparagraph:

4 “(D) Chiropractors.”.

5 (f) *RESIDENCIES AND INTERNSHIPS.*—Section 7406(c)
6 of such title is amended—

7 (1) in paragraph (1)—

8 (A) by inserting “and chiropractic” after
9 “medical” the first place it appears; and

10 (B) by inserting “or chiropractic” after
11 “medical” the second place it appears;

12 (2) in paragraph (2)(B), by inserting “or chiro-
13 practic” after “medical” the first place it appears;
14 and

15 (3) in paragraph (3)(A), by inserting “or chiro-
16 practic” after “medical”.

17 (g) *MALPRACTICE AND NEGLIGENCE PROTECTION.*—
18 Section 7316(a) of such title is amended—

19 (1) in paragraph (1), by inserting “or chiro-
20 practic” after “medical” each place it appears; and

21 (2) in paragraph (2)—

22 (A) by inserting “or chiropractic” after
23 “medical” the first place it appears; and

24 (B) by inserting “chiropractor,” after “po-
25 diatrist,”.

1 (h) *TREATMENT AS SCARCE MEDICAL SPECIALISTS*
 2 *FOR CONTRACTING PURPOSES.*—Section 7409(a) of such
 3 title is amended by inserting “chiropractors,” in the second
 4 sentence after “optometrists,”.

5 (i) *REIMBURSEMENT OF CONTINUING PROFESSIONAL*
 6 *EDUCATION EXPENSES.*—Section 7411 of such title is
 7 amended by striking “or dentist” and inserting “, dentist,
 8 or chiropractic”.

9 (j) *COLLECTIVE BARGAINING EXEMPTION.*—Section
 10 7421(b) of such title is amended by adding at the end the
 11 following new paragraph:

12 “(8) Chiropractors.”.

13 (k) *EFFECTIVE DATE.*—The amendments made by this
 14 section shall take effect at the end of the 180-day period
 15 beginning on the date of the enactment of this Act.

16 **SEC. 3. ELIGIBILITY FOR DEPARTMENT OF VETERANS AF-**
 17 **FAIRS HEALTH CARE OF CERTAIN FILIPINO**
 18 **WORLD WAR II VETERANS RESIDING IN THE**
 19 **UNITED STATES.**

20 (a) *ELIGIBILITY.*—The text of section 1734 of title 38,
 21 United States Code, is amended to read as follows:

22 “(a) The Secretary shall furnish hospital and nursing
 23 home care and medical services to any individual described
 24 in subsection (b) in the same manner, and subject to the
 25 same terms and conditions, as apply to the furnishing of

1 *such care and services to individuals who are veterans as*
 2 *defined in section 101(2) of this title. Any disability of an*
 3 *individual described in subsection (b) that is a service-con-*
 4 *nected disability for purposes of this subchapter (as pro-*
 5 *vided for under section 1735(2) of this title) shall be consid-*
 6 *ered to be a service-connected disability for purposes of fur-*
 7 *nishing care and services under the preceding sentence.*

8 “(b) Subsection (a) applies to any individual who is
 9 a Commonwealth Army veteran or new Philippine Scout
 10 and who—

11 “(1) is residing in the United States; and

12 “(2) is a citizen of the United States or an alien
 13 lawfully admitted to the United States for permanent
 14 residence.”.

15 (b) LIMITATION.—(1) The amendment made by sub-
 16 section (a) shall take effect on the date on which the Sec-
 17 retary of Veterans Affairs submits to the Committees on Vet-
 18 erans’ Affairs of the Senate and House of Representatives
 19 and publishes in the Federal Register a certification de-
 20 scribed in paragraph (2).

21 (2) A certification referred to in paragraph (1) is a
 22 certification that sufficient resources are available for the
 23 fiscal year during which the certification is submitted to
 24 carry out section 1734 of title 38, United States Code, as
 25 amended by such amendment, during that fiscal year at

1 *each significantly affected health care facility of the Depart-*
2 *ment of Veterans Affairs.*

3 (3) *For purposes of paragraph (2), the term “signifi-*
4 *cantly affected health care facility” means a health care fa-*
5 *cility at which, as determined by the Secretary, it is reason-*
6 *ably foreseeable that the implementation of the provisions*
7 *of section 1734 of title 38, United States Code, as amended*
8 *by subsection (a), will result in a significant increase in*
9 *the use of health care resources due to the number of vet-*
10 *erans described in subsection (b) of that section who are*
11 *considered to be likely to seek hospital or nursing home care*
12 *or medical services, as authorized by subsection (a) of that*
13 *section, at that facility.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to provide for the appointment of chiropractors in the Veterans Health Administration of the Department of Veterans Affairs and to provide eligibility for Department of Veterans Affairs health care for certain Filipino World War II veterans residing in the United States.”.

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